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MAR 16 2004

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In Re Patent Application of:

Stephen W. Rose

Serial No. 09/599,269

Filed: June 22, 2000

Title: ANNULAR PLEATED FILTER CARTRIDGE  
FOR LIQUID FILTRATION APPARATUS

Group Art Unit: 1724

Examiner: Marianne S. Ocampo

MAIL STOP FEE AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE UNDER 37 CFR §1.116

Sir:

Applicant submits this Response to the PTO Action of December 11, 2003 -- a final rejection. Applicant believes that, in view of the nature of the PTO action, the additional information provided with this Response places this application in condition for allowance. A one-month extension fee is paid (see authorization at the end of this paper).

Claims 1-4, 6-7, 9-15, 17-25, 27 and 29-31, as currently pending, are listed below. In the PTO action, the Examiner continued the rejection of the prior PTO action -- based on Gsell et al. in view of Marshall et al. A brief summary of applicant's present Response is given here:

- In dealing with applicant's response of September 8, 2003, the Examiner noted (at pages 17-18) that she "agrees [with applicant] that Gsell et al. have disclosed or taught a filter material which is thicker (i.e., 17 times thicker) than what is claimed [by applicant] ... ." Applicant thanks the Examiner for this significant acknowledgment.
- In dealing with applicant's argument that Dr. Mayer's earlier declaration (November 28, 2001) is strong evidence of the unobviousness of applicant's claims -- because it

In re Patent Application Serial No. 09/599,269  
 Response dated March 15, 2004  
 Reply to Office Action of December 11, 2003

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lays out a factual basis for the unobviousness of combining Marshall et al. with prior art annular pleated filter cartridges that use typical non-woven materials (like that of Gsell et al.), the Examiner states that she finds such argument "not persuasive"; i.e., she discounts such Mayer declaration by stating (at page 17):

"[S]ince the material disclosed by Marshall et al. is not the TYVEK material which has been discussed by the Mayer declaration, arguments which pertain to this TYVEK material are deemed not material."

The Examiner's assertion about the Marshall et al. material is incorrect. The material of the Marshall et al. invention is precisely the TYVEK material which has been discussed by the earlier declaration of Dr. Mayer. Thus, contrary to the Examiner's assertion, such Mayer declaration is indeed material to the present rejection.

- A "Supplemental Declaration of Ernest Mayer," submitted herewith (to which a copy of his first declaration is attached), clears up that question by showing that the material of Marshall et al. invention is in fact what Dr. Mayer and applicant's arguments have referred to during prosecution of this application. In addition, such supplemental Mayer declaration directly and specifically supports applicant's arguments concerning the unobviousness of applicant's claims in the face of the rejection based on Gsell et al. (a typical non-woven annular pleated filter cartridge) in view of Marshall et al.
- Applicant gives further fact- and law-related arguments showing why this application should be allowed. Applicant's claimed invention is *not* obvious over the cited art.

**Applicant's claims** are set forth beginning on page 3 of this Response.

**Remarks/arguments** begin on page 9 of this Response.

<b>COMBINED AMENDMENT &amp; PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) (Small Entity)</b>			Docket No. <b>OF-102US</b>		
In Re Application Of: <b>Rose et al.</b>					
Serial No. <b>09/599,269</b>	Filing Date <b>June 22, 2000</b>	Examiner <b>M. Ocampo</b>	Group Art Unit <b>1723</b>		
Invention: <b>Improved Annular Pleated Filter Cartridge for Liquid Filtration Apparatus</b>					
<u>TO THE COMMISSIONER FOR PATENTS:</u>					
This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of <u>December 11, 2003</u> in the above-identified application. <span style="margin-left: 150px;"><i>Date</i></span>					
The requested extension is as follows (check time period desired):					
<input checked="" type="checkbox"/> One month <input type="checkbox"/> Two months <input type="checkbox"/> Three months <input type="checkbox"/> Four months <input type="checkbox"/> Five months					
from: <u>March 11, 2004</u> until: <u>April 11, 2004</u> <span style="margin-left: 100px;"><i>Date</i></span> <span style="margin-left: 100px;"><i>Date</i></span>					
A verified statement of small entity status as a small entity under 37 CFR 1.27:					
<input type="checkbox"/> is enclosed. <input checked="" type="checkbox"/> has already been filed in this application.					
The fee for the amendment and extension of time has been calculated as shown below:					
<b>CLAIMS AS AMENDED</b>					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	26 -	31 =	0	x \$9.00	\$0.00
INDEP. CLAIMS	2 -	3 =	0	x \$42.00	\$0.00
FEE FOR AMENDMENT					\$0.00
FEE FOR EXTENSION OF TIME					\$55.00
<b>TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME</b>					<b>\$55.00</b>

P28SMALL/REV03

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Small Entity)**

Docket No.  
OF-102US

The fee for the amendment and extension of time is to be paid as follows:

- ☐ A check in the amount of \_\_\_\_\_ for the amendment and extension of time is enclosed.
- ☒ Please charge Deposit Account No. 10-0270 in the amount of \$55.00
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 10-0270
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 10-0270

*Peter N. Jansson*  
Signature

Dated: March 15, 2004

Peter N. Jansson, Reg. No. 26,185  
Jansson, Shupe & Munger, Ltd.  
245 Main Street  
Racine, WI 53403  
262/632-6900

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below:

*Terasa Johnson*  
Name  
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*3/15/04*  
Date

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P28SMALL/REV03

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 JOHN W. BAIN\*\*  
 LARRY L. SHUPE (OF COUNSEL)  
 \*ALSO ADMITTED IN ILLINOIS  
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 FAX: 262/632-2257  
 EMAIL: janlaw@janlaw.com

## Facsimile Cover Sheet

<b>To:</b>		<b>From:</b>	
Name:	<u>Marianne S. Ocampo</u>	Name:	<u>Peter N. Jansson</u>
Firm:	<u>USPTO</u>		
Fax No.	<u>703-872-9306</u>	Pages:	<u>31</u>
Date:	<u>March 16, 2004</u>	Fax No.	<u>262-632-2257</u>

If transmission is impaired, please call (262) 632-6900.

## Confirmation Will Not Follow by Mail

Message: Re: Application 09/599,269  
 Filing Date: June 22, 2000  
 First Named: Stephen W. Rose  
 Group Art Unit: 1723  
 Attorney Docket Number: OF-102US

Please deliver this communication to  
 Examiner Marianne S. Ocampo, Group Art  
 Unit 1723. Thank you.

This fax was originally faxed to (703) 872-9311 on March 15, 2004, and then we were notified that the fax number should have been (703) 872-9306. Transmitted herewith are the documents dated and sent March 15, 2004. Please call with any questions.

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/599,269
	Filing Date	June 22, 2000
	First Named Inventor	Rose et al.
	Art Unit	1723
	Examiner Name	M. Ocampo
Total Number of Pages In This Submission	Attorney Docket Number	OF-102US

ENCLOSURES <i>(check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____  Remarks _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">                     Declaration of Ernie Mayer                 </div>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Peter N. Jansson, Reg. No. 26,185 Jansson, Shupe & Menger, Ltd. 245 Main Street, Racine, WI 53403
Signature	
Date	March 15, 2004

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Typed or printed name	TERESA JOHNSON	Date	March 15, 2004
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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